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ÂBSTRACT

This paper uses the charter-school legislation of three states-Arizona, California, and Michigan--as a lens to understand the policy values embodied in school--choice reforms. It questions the prevailing rubrics of the Center for Education Reform and the American Federation of Teachers. Briefly stated, the former ranks laws as either "strong" or "weak," and the latter identifies laws as either "good" or "bad." This paper examines the legislation in light of an alternative framework. Specifically, it considers how the laws incorporate choice, productive efficiency, equity, and social cohesion. It also considers what policy tools-such as finance, information, and regulation-are provided in the legislation to achieve these values. The paper finds this framework more comprehensive than current normative frameworks that pervade charter-school research. Although the paper emphasizes the need for continued research at the local charter-school level to understand the connection between legislation and implementation, this framework enables observers to move beyond value-laden descriptors of charter-school laws. Further development of this framework will combine an analysis of political values in the laws with a look at the political context of education reform in each state, as well as implementation of the laws at the local charter-school level. (Contains 42 references.) (Author/WFA)

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Charter Schools in California, Michigan and Arizona: An Alternative Framework for Policy Analysis

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Abstract

This paper uses the charter schools legislation of three states, California, Arizona and Michigan, as a lens to understand the policy values embodied in school choice reforms. We question the prevailing rubrics of the Center for Education Reform and the American Federation of Teachers. Briefly stated, the former ranks laws as either "strong" or "weak" and the latter identifies laws as either "good" or "bad." We examine the legislation in light of an alternative framework. Specifically, we consider how the laws incorporate choice, productive efficiency, equity, and social cohesion. We also consider what policy tools, such as finance, information, and regulation are provided in the legislation to achieve these values. We find this framework more comprehensive than current, normative frameworks that pervade charter school research. Though we emphasize the need for continued research at the local charter school level to understand the connection between legislation and implementation, this framework enables observers to move beyond value-laden descriptors of charter school laws.

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Introduction: Revisiting Charter School Legislation, Political, Social and Educational Values

State legislatures began enacting charter school legislation in 1991, beginning with Minnesota. Since then, policy makers in 38 states have passed charter school laws. Though representing a just small percentage of public schools nationally, charter schools continue to be one of the fastest growing educational reforms. Advocates and detractors of the reform continue to promise and worry about a number of outcomes, including, innovation, equity, empowerment, competition, choice, and privatization (Fuller 2000).

As charter school legislation entered into the eleventh year of existence, state legislators in several key states revisited their charter school laws. During the 2000-2001 school year, policy makers in Minnesota, California and Texas reexamined original charter school laws and proposed measures to redress loopholes, and in some cases, egregious abuses (Pierce, 2001; Keller, 2001; Asimov, 2001). Policy makers, the voting public, advocacy groups and parents need information to help them make informed choices about how to best evaluate new charter laws as well as how to refine existing ones.

Charter School Reform: Competing Interests and Values

Though charter school reform's diverse origins can be traced to community control movements, efforts to enact vouchers, and site-based management reforms, an original impetus for charter school reform was to provide teachers and local school communities the flexibility to create and operate schools that would increase student learning (Budde 1988; Nathan 1996; Nathan 1996). Eleven years later, the reform has taken on myriad forms, extending beyond teachers and parents to other parties.

There are now cyber charter schools, home study charter schools, charter schools run by nationally and locally based for-profit companies, grassroots community groups, school districts, and non-governmental organizations (Wells, Lopez, Scott & Holme 1999). These phenomena are largely due to legislative provisions, stemming from the value orientations of state policy makers, and subsequent implementation at the charter school level (Wells, Grutzik , Carnochan, Slayton & Vasudeva 1999). For example, most charter school laws do not guarantee funding for start-up costs, facilities, or capital improvements, causing charter school communities to search for other means of support (United States General Accounting Office 2000).

Some charter schools have benefited from growing financial support from private foundations, and individual donors, and from the federal government. In addition, for profit and non-profit educational

service providers (ESPs) and education management organizations (EMOs) have been drawn to charters in several key states with relatively deregulatory charter school laws and/or high per-pupil allocations. In Michigan, at least 70 percent of charter schools are run by EMOs (Miron 2000). Thus, charter school reform draws participants from public and private sectors, although this support is distributed somewhat inequitably (Addonizio 2001).

Charter schools continue to become more numerous and prominent on the educational landscape, with diverse political support and advocacy pulling charter school legislation in sometimes contradictory directions (Wells, Grutzik, et al. 1999). As such, charter school reform enjoys support from constituents not typically found in the same political circles, including, market advocates, political progressives, and homeschoolers. Though these stakeholders support the reform, they approach it based upon what are often vastly different social and political values.

Important work has been done examining the social, political, and educational values embodied in charter school laws, with researchers examining the tension between accountability and autonomy, for example (Millot 1994). Others have provided broader, philosophical examinations of the competing goals of public education (Labaree 1997), and the public and private purposes of education (Levin 1999). We believe that this work should be continued, with educational researchers continuing to provide assiduous study of the legislative and policy conditions that shape charter schools as participants jockey for their values to be represented in the reform (Heubert, 1997; Keller, 2001; Kemerer, 2001; Olson, 1994).

We examine charter legislation in three states, California, Arizona and Michigan[1]. Together, these states enroll approximately half the nation's charter school student population and house more than half the nation's charter schools. Table 1 provides a quick glance at charter enrollments in each of the three states.

[1] In Michigan, charter schools are called Public School Academies (PSAs).

Table 1: Charter Schools in California, Arizona and Michigan[2]

State	Year Law Passed	Number of Schools	Number of Students Enrolled
California	1992	274	115,582
Arizona	1994	433	94,759
Michigan	1993	185	54,102

Sources: California Department of Education, Michigan Department of Education, Arizona Department of Education, Center for Education Reform

These states are especially significant on the charter school landscape; each state has well over 100 charter schools and enroll over 50,000 students. Combined, the charters in the three states number approximately 1000 schools and enroll over 200,000 students (Center for Education Reform, 2001). These three states, then, in many ways anchor the charter school movement. The development of charter school laws and charter schools in these states predicts what the movement is likely to look like as charter schools grow in other states. Having provided a brief introduction to the three states, we turn to the organization of the paper.

Organization of the Paper

First, we focus upon two existing rubrics for charter school laws promulgated by the American Federation of Teachers (AFT) and the Center for Education Reform (CER). These two advocacy groups have opposing positions on school choice, and as such are good demonstrations of the different values undergirding charter school reform. We find that each framework presents distinct preferences, yet neither captures the tension existing amongst the myriad values embodied in the laws. Instead, we propose an alternative framework. Finally, we use this alternative framework to examine the charter school laws in Michigan, California and Arizona.

[2] The reader should note that consistent demographic data are difficult to come by. Different sources give conflicting information about the number of schools and the numbers of students enrolled in them. These numbers should be treated as close estimates for the 2000-2001 academic year.

Existing Paradigms for Understanding Charter School Laws

Two influential advocacy organizations, the Center for Education Reform, and the American Federation of Teachers, provide rubrics for examining charter school laws. Not surprisingly, the CER, which advocates for an expansion of school choice, and the AFT, a teacher's union, have distinct political values. In this section, we discuss the criteria these organizations use to assess charter school laws.

The CER characterizes charter schools laws as either strong or weak. Essentially, a strong law is more deregulatory, and a weak one brings more prescription. Though others have used the strong/weak paradigm to examine charter legislation (Wohlstetter, Wenning et al. 1995; Bierlein 1997), there can be no question about the important role played by the Center for Education Reform in popularizing the rating scale. It is common to find the strong/weak framework used in news media reports and academic research without explication of its meaning. We suspect that some use the descriptor without knowing the values supporting it. The CER's website provided the state rankings as well as an explanation of the criteria that goes into assessing the laws.

The CER argues that a strong charter school law has ten key elements. Strong laws have no limits on the number of charter schools allowed; provide multiple charter granting agencies; have diverse eligibility in charter applicants; allow new, start-up charter schools; allow schools to start without evidence of local support; grant automatic waivers from state and district laws; provide legal, fiscal and operational autonomy; guarantee full per-pupil funding; and, provide exemptions from collective bargaining agreements or school district work rules.

The CER routinely surveys a number of school choice advocates who rate each state law with regard to the items listed above. The state laws are scored in each area, on a scale of 1-5. States with a total score of 40-50 receive "A" grades, states with scores of 30-39 receive "B" grades; "A" and "B" states have strong laws. Because the ranking is based upon the perspective of those who value choice over other public policy goals, the CER ranking represents a particular political point of view. In this ideology, strong laws tend to be more deregulatory, while weak laws tend to be less regulatory.

In 2000, The Center for Education Reform gave Michigan's charter school law an 'A' grade. On the CER ranking scale, Michigan's law was the third strongest. Arizona earned the strongest ranking, also with

an 'A' grade. Finally, California received a 'B' grade, making it the ninth strongest state on the CER ranking system. By 2001, however, the CER had revised its ranking based upon new charter school laws in some states, and other states having amended existing laws. Consequently, California moved from eighth to eleventh, and Michigan moved from second to fifth on the list. Arizona remained the "strongest" law on the scale.

The American Federation of Teachers has also generated a rubric for evaluating charter school laws in a report issued by the organization (1996). This report analyzed charter laws in 25 states. The analytic framework conceptualized charter school legislation as being of two types: good or bad. "Good" charter school laws were ones likely to, "produce quality schools and/or serve as examples of how the larger system of public schools should operate" (pg. 6).

In comparison, "bad" charter legislation "encourages charter schools to become the basis of an alternative school system created for a few, but operating at the expense of many" (pg. 1). Given the AFT's description of good and bad charter laws, none of the 25 states were likely to "produce quality education and be the basis for widespread reform of public education" (pg. 15). Having said that, the AFT found general "goodness" with the charter school laws of California, New Jersey, Rhode Island, and Louisiana. Arizona and Massachusetts had "bad' laws, according to the AFT, since Arizona's law failed to address issues of school quality, and Massachusetts's law "uses language that tends to deprofessionalize teaching and schooling" (pg. 15). The CER, on the other hand, finds favor with charter laws it perceives to encourage the most proliferation of charter school reform.

When one examines what values exist in each organization's framework, one can see the clear differences in approaches to charter schools. The reader will note that absent from the CER rubric are any provisions for student access, optimal working conditions for teachers, or targeted resources for charter schools serving low-income populations. The AFT framework emphasizes more regulation and potentially less freedom of choice. Table 2 provides a look at the different assessment components of the AFT and CER.

Table 2: A Comparison of the Charter School Legislation Rubrics: The Center for Education Reform and the American Federation of Teachers

AFT: "GOOD" CHARTER LAWS	CER: "STRONG" CHARTER LAWS
Include features that ensure quality schooling	Place no limits on the number of charters
Mandate charter approvals from local school districts	Provide multiple charter granting agencies
Protect the public interest and integrity in public schooling; with public accountability for student achievement	Have diverse eligibility of charter applicants
Guarantee open access	Allow charters without evidence of local support
Require charters to conduct business in accordance with public "sunshine laws."	Grant automatic waivers from state and district regulations
Empower professional educators	Provide legal, fiscal and operational autonomy
Employ certified teachers	Guarantee full per-pupil funding
High academic standards with student testing, using the same tests as those used throughout the state	Provide exemptions from collective bargaining agreements or school district work rules

Sources: The Center for Education Reform (http://www.edreform.com) and The American Federation of Teachers (http://www.aft.org)

These two frameworks demonstrate the different value orientations of many charter school advocates and stakeholders. We suggest that a framework for examining charter school laws should attempt to encompass competing values in a more holistic way. We propose a framework that makes value orientations much more explicit.

An Alternative, Comprehensive Framework

The National Center for the Study of Privatization (www.ncspe.org) at Teachers College, Columbia University, under the direction of Henry M. Levin, advances a non partisan research agenda on a range of school choice and school privatization issues. One aspect of this agenda is to promote a comprehensive approach for the comparative assessment of charters, vouchers, and other school choice strategies. This paper advances this agenda by applying Levin's (2000) comprehensive framework to the assessment of charter schools legislation.

We offer this comprehensive framework as a conceptual exercise, all the while cognizant of earlier research, upon which we hope this analysis will build. For example, political scientists and public policy researchers have established a multitude of frameworks for examining policy formation and implementation.

We find the most compelling of these to be those that move beyond rational or technical approaches to consider the political and social values that inform policy initiatives.

Situating the Comprehensive Framework

One approach to policy analysis is referred to as the "competing-values" or "multiple perspective" approach (Cibulka 1995). This framework examines an array of values in public policy, considering the trade-offs policy makers and legislators make when forming policies. Marshall, Wirt and Kirst (1989) examined the influence of cultural values on policy making in six states, using survey, case study and statistical methodologies. The authors identified four common values in policy formation. These values were quality, equity, efficiency, and choice (pg. 89). Marshall and colleagues identified seven policy mechanisms available to policy makers. These were school finance, personnel training and certification, student assessment, school program definition, school organization and governance, curriculum materials, and school facilities (pp. 60-61).

In the Marshall study, policy makers ranked the values according to their relative importance, placing them in the following order: (1) quality, (2) efficiency, (3) equity and (4) choice. The researchers found that asking the policy makers to rank these values did not mean that they rejected others. "When forced to choose, however, respondents gave clear priority to quality, efficiency and equity values" (pg. 94), though the authors found receding support for educational equity. This seminal study grounded the competing-values approach in empirical study. There are related values and policy instruments, especially when one considers school choice policies, meriting examination as well.

Researchers of charter school reform have teased out these values. Garn (2000) applied the competing values framework to a study of Arizona charter schools, finding emphasis on choice above all other values. Others have proposed criteria for charter schools that emphasize equity and access (Good and Braden 2000). Finally, some researchers have examined the tension between autonomy, innovation, and accountability (Crawford and Fusarelli 2001).

Levin (2000) argues that school choice initiatives like charter schools and vouchers reflect the importance placed on different values or goals. Often, these goals can compete or contradict one another, but they are not necessarily mutually exclusive. Rather, he imagines the possibility of balancing the goals in

the formation of school choice initiatives. Specifically, Levin proposes that four major concerns inform school choice policies. These concerns are 1) Freedom to Choose; 2) Productive Efficiency; 3) Equity; and, 4) Social Cohesion. In addition, as policy makers craft legislation and policies aimed at achieving these goals, they use available policy tools such as finance, regulation and support services to shape the initiatives. Finance refers to the allocation of funds and other resources to charters. Regulations include the guidelines under which charters can operate, and support services are the public provision of aid, such as information, transportation, or accounting. These three tools can be used to increase freedom of choice, productive efficiency, equity and social cohesion.

Levin notes that this framework can be applied to charter schools as well as to voucher plans in evaluating legislation or. This comprehensive framework is more dynamic, less partisan and thus better able to capture the complexity in charter school legislation. Furthermore, the framework helps to push the rhetoric surrounding charter school laws beyond value-laden notions of "strong," "weak," "good," or "bad."

Having argued for the use of this framework, we are cognizant of its limitations. As Cibulka (1995) rightly argues, competing-values frameworks do not speak to the political and social processes that shape the implementation of policies. In other words, the 'political black box' is not illuminated by this analysis. In addition, the framework fails to capture the intense lobbying, advocacy efforts, and political compromising of which many charter school laws are the result. Finally, this analysis pays only cursory attention to the implementation of the charter legislation, which may not be consistent with the laws. Still, as a conceptual exercise to test out alternative ways of understanding and categorizing charter school laws, we find utility in the framework.

Applying the Comprehensive Framework to California, Arizona, and Michigan's Charter School Laws

1. Freedom to Choose

Under Levin's framework freedom to choose is one of the most closely held tenets of school choice advocates. For adherents of this value, families should have the unfettered right to choose an education for their children that approximates their values and priorities. For these constituents, significantly less

importance is placed upon the public or democratic purposes of education, though some who value choice argue that increased educational choice will help to provide greater equity and access by removing neighborhood boundaries from where children are able to attend schools.

The charter school legislation of California, Arizona, and Michigan place varying degrees of emphasis on freedom of choice. To understand this emphasis, we consider who is able to start charters, curriculum offerings and information.

Choosing to Start a School

A primary aspect of choice is what parties are permitted to start charter schools. In California, conversion of private schools into public charter schools is prohibited, while in Arizona and Michigan, it is allowed. In California, home study charter schools are permitted, while they are not allowed in Michigan or Arizona. Though California's legislators have recently begun to clamp down on the financing of home schooling charters, approximately one-third of the total number of students enrolled in charters in California are educated in home schooling ones (UCLA Charter School Study 1998). While Arizona and Michigan offer a potentially wider array of choices in who can start a charter school than does California, parents wishing to home school their children cannot participate in charter school reform. The exclusion of home schooling in the Arizona and Michigan's laws constrains the range of choice, particularly for those parents seeking religious or ideological programs not likely to be offered in a traditional public setting.

Arizona's legislation places high premium on freedom of choice. For example, the legislation permits charter schools to retain ownership rights of all property and facilities acquired during the operation of that school. This raises questions for equity, social cohesion and efficiency. For example, could charter schools use the real estate acquired as a school, presumably for reduced cost or different tax status, and then use it for collateral for other ventures? Thus, the original connection between vouchers and charter schools in Arizona appears to have created a charter system in which the schools approximate private institutions.

Curriculum and Instruction Guidelines

In California, the potential range of academic choice is fairly broad; while charter schools are required to meet the same number of instructional hours as public schools and to participate in the same assessments, they are otherwise free to frame curricula as they choose. This permits charter schools to develop a diverse

array of instructional plans to meet a range of interests and educational needs, including home schools or independent study programs.

Michigan's legislation allows broad curricular offerings, further strengthening choice. Extending beyond the typical K-12 educational program offered in many other states, the legislation permits early childhood education centers, adult basic education programs, adult high school completion programs, testing preparation programs, and other programs focusing on at-risk populations.

Still, the potential range of academic choice is fairly broad; the legislation requires charter schools to adhere to state standards in core subject areas, but does not require number of instructional hours or more specific curricular or pedagogic requirements. The legislation allows schools to focus on particular learning philosophies or to concentrate on a subject area; allowing a range of schools to develop across educational philosophies and key subject areas.

Information

Most observers of school choice agree that adequate information is essential for stakeholders to choose. California's legislation does not specify whether information must be made to all school-aged families in the district. If parents are unaware that there are alternatives to their public schools, or if there is not sufficient or unbiased information evaluating the merits of the charter schools, then the range of choice for parents and students will be constrained by the level and quality of information.

In Michigan, the requirement that information about the schools' admissions is made available would likely increase choice by increasing access to the school options. The information collected for individual schools for the purposes of evaluation might further enrich choice, but it is dependent upon whether this information, submitted to the House and Senate committees on education, is also made available to parents in all communities.

Choice could be constrained by student assessment, transportation, information, and regulations. California's legislation states that transportation will be provided in the same manner as done for public schools. This may limit the range of choice if a charter school in a non-transportation district is out of reach to certain students.

We now consider how the laws address educational efficiency.

2. Productive Efficiency

A central tenet of educational efficiency holds that schools should produce optimum results (usually measured by standardized assessments) given specified inputs. Productive efficiency has micro and macro level dimensions. Microefficiency refers to maximizing results at the individual school. Under school choice reforms, it is difficult to arrive at this comparison since schools are oriented to produce different results for the communities they serve. Comparatively, "macroefficiency includes not only results at school sites, but also the comparative costs of the overall infrastructure... relative to the overall costs for maintaining the existing system" (Levin 2000, pg. 134). In looking at micro and macro level efficiency, we consider how the charter legislation of California, Arizona, and Michigan address charter approval and revocation, student assessment and admissions, funding, and finally, teacher certification requirements.

Charter Approval, Evaluation, and Revocation

Most observers agree that without meaningful assessments, the promise that charters will improve student learning through innovation is empty (Manno, Finn et al. 2000). Still, assessment and accountability issues become messy when niche charter schools are asked to live up to standardized state assessments. While charters are permitted to develop their own curriculum and pedagogy, there is not an assessment in any of the three states that veers from the statewide one.

The approval, assessment and revocation processes differ across the states. In California, charter applicants submit their proposals to the local school district board for approval, and if denied, are able to appeal to the county office of education, and next, the state department of education. Charters are granted for five-year periods, and each district develops its own approach to the renewal process, although the charter law offers broad criteria for revoking a charter.

California charters may be revoked if State Board of Education finds that schools have demonstrated gross financial mismanagement that jeopardizes the stability of charter school; illegal or improper use of school funds for personal benefit of school officer; or significant departure from "measurably successful practices" that would jeopardize students' educational development. While these elements are broad enough to encompass many possible types of school under-performance, they do not provide a sufficient level of detail to make explicit the point at which charters would be revoked.

For example, what constitutes "gross financial mismanagement," is being discerned, as with recent controversies over the funding of home and independent study charter schools (Asimov 2001). A review commission found that many home and independent study charters could not account for how they spent their funds, and often had contractors used by the schools serving on the schools' board of directors; a clear conflict of interest. These events raise assessment questions, such as if there any forms of evaluation that would identify such problems before they became so serious? This is both a micro and macro level question, for the legislation is not likely to promote efficiency if implementation is not clear and consistently undertaken.

The likely effect of charter schools on traditional public school districts is a hotly debated issue (Rofes 1998). California capped the growth of charter schools to 250 in the first year, with an additional 100 allowed every year thereafter. Market advocates, such as the CER, might argue that capping the number of charters permitted ensures that traditional public schools will not have to worry about meaningful competition from charter schools, and thus will have no incentive to improve. Researchers have found, however, that there is no mechanism whereby charters can share innovative practices with traditional schools, so the likelihood that traditional public schools would meaningfully change in response to charters is not yet supported by evidence in California (UCLA Charter School Study 1998).

In Arizona, three separate authorizers can approve charter proposals: the local school district, the State Board of Education, or the State Board for Charter Schools. A cap of twenty-five new charter schools each per year by the State Board of Education and the State Board for Charter Schools is in place. There is no limit to the number of charters that can be granted by local school districts. This allows a large enough supply of schools to operate that a competitive environment could potentially be created to drive reform in traditional public schools. Still, there is no provision for the evaluation of charter schools as a whole. This undermines the potential macro-level benefit by not requiring the state or chartering agencies from assessing the broader impact of charter schools on the larger public system.

Arizona's charter application requirements are bare, stating that they "may include:" a mission statement, description of organizational structure and governance, financial plan, hiring policy, name of applicant and sponsor, description of facility, description of grades being offered, and criteria to be used to

measure effectiveness of the school. By not requiring these items in the application the legislation may weaken the potential effectiveness of individual schools.

The legislation describes what must be "ensured" by the charter, including the presence of a governing body, compliance with federal and state law, nonsectarian policies, student measurements, and personnel policies. In comparison with the language used in the similar sections of the California legislation, the Arizona legislation requires much less description. Where California requires the means by which these things are to be accomplished, Arizona only requires that they *are* to be accomplished, without specifying the means. Without requiring prospective schools to explicate how they will make their plans operational, the Arizona legislation increases the likelihood that some charter schools will not be able to effectively carry out their plans.

Arizona charter schools are to be evaluated every five years by their sponsors, with revocation of charter at breach of one or more provisions. Unlike other states that more commonly limit the charters to five years, Arizona triples the term; charters are renewed every fifteen years. This might permit individual schools more time in which to demonstrate their effectiveness, but it might also leave struggling or ineffective schools open longer than necessary. The effect would be determined in part by how stringent the five year evaluations were and whether charters were revoked in cases of misconduct.

Arizona charter schools must also adhere to state standards in core subjects and provide a "comprehensive instructional program." Schools may concentrate on a specific learning philosophy or subject area. The standardized assessments and the requirement of common core content suggests that efficiency will be promoted at the micro level, although the ability of schools to focus on specialized areas may promote strengths in some areas and not others. As with California, the development of more innovative and possibly more effective instructional practices may be constrained by the standardized assessments which will compel schools to limit the range of innovation in order to prepare students for the tests.

The Arizona State Department of Education is responsible for compiling a report from each school. Schools must submit annual reports that describe programs, goals, student results, average attendance rates, incidents requiring law enforcement intervention, social services, school calendar, number of pupils enrolled,

transportation services available, parental response, and duties of the school council. The collection and consideration of such information would promote productive efficiency by strengthening the criteria for ongoing evaluation of individual and aggregate school performance. This would be determined in part how consistently data are collected.

The state changed its standardized testing instrument between the first and second year of charter implementation, making it hard to secure baseline data about school quality through student performance. Charters were asked to provide school reports cards, but there was no penalty for failing to provide one, and the method of accessing them; via the world wide web, was unreliable since the website was often slow or non-functioning (Garn 2000).

The legislation does not outline grounds for revocation of charter, unlike California's description, which at least offers several broad criteria. While leaving room for interpretation, allowing chartering agencies greater freedom to act if they find a non-compliant charter school, it also leaves to the discretion of that chartering agency to identify problems. The legislation is not likely to promote efficiency if provisions for implementation are not clearly explicated or consistently undertaken.

In Michigan, charters can be granted for ten-year periods, with a review at least every seven years. Most charter schools have been granted for five-year terms, however (Center for Education Reform). As discussed previously with California and Arizona, the length of term may help regulate the effectiveness of charter schools in two ways. First, by limiting the term by preventing weak schools from remaining open, and second, by providing a sufficiently long term to allow PSAs to affect student outcomes. The Michigan term, set midway between the California and Arizona terms, may increase efficiency by extending the time public school academies have to effect changes, without allowing them too much latitude. If Michigan is in fact limiting most PSAs to terms less than the legislative limit; the state may be doing so to monitor effectiveness.

The authorizing agency for charters include board of a K-12 school district; an intermediate school board; the board of a community college; or the governing board of a state public university. These authorizing bodies must ensure compliance by the charters to statutes, rules, and terms of the contract. Absence of proper oversight by an authorizing agency will result in a suspension of its power to issue new

charter contracts. PSAs cannot be granted to for-profit companies, but may be contracted out to them, and as mentioned, roughly 70 percent of PSAs are managed by EMOs.

There is no limit of charter schools authorized by local school boards, intermediate school boards, or community colleges, or state universities, although no single university may authorize more than 50% of the university total. The absence of any limits opens up the expansion of charter schools over a shorter period of time – unlike other states that limit the maximum number of schools per year. This may improve macro-level efficiency by permitting the development of a competitive market better able to effect systemic change.

The legislation provides elements that must be included in the application for a contract to organize and operate public school academies, considering available resources, the population to be served, and the educational goals. Applications must include: educational goals and curriculum; assessment methods; admission policy; the means by which the school will provide adequate notice of school opening; the school calendar and school day schedule; the description of governance structure; the age range or grades to be offered; the confirmation of compliance with state and federal regulations; an agreement to adhere to collective bargaining agreements of school district, and a description of physical plant.

These elements encourage the governing agencies to gather sufficient information on which to base their decisions. Like California's legislation, both the elements and a description of how many are to be achieved are required– unlike in Arizona which does not ask for such specification. While it may provide more information for approving or rejecting PSAs and thereby encourage efficiency by making more informed decisions, success relies upon implementation. If the components of these contracts are not enforced, then they will no more promote efficiency than Arizona charters that do not ask about implementation.

Michigan's legislation requires annual evaluative reports to the House and Senate committees on education. These must provide individual and collective assessments of PSAs to determine whether they are meeting the goals outlined in the legislation. The evaluation of individual charter schools must include a mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, the number of and notes on supervisory visits by the authorizing agency. These stipulations suggest that an expansion of PSAs will be linked to performance at both the individual school

site and the larger aggregate level. This aspect of the legislation distinguishes itself from other laws, even that of California requiring an evaluation of the charter schools, by listing the types of information that must be gathered regularly from the schools, thereby strengthening the integrity of the evaluation.

PSAs may be revoked if authorizing agencies determine failures in a number of areas, including, following and achieving the educational goals established in the contract; complying with generally accepted accounting principles; and having one or more other grounds for revocation as specified in the contract. The decision to revoke charters rests solely within the discretion of the authorizing body and is not up for review.

While the grounds for revocation of contracts is broad enough to close failing schools for a variety of reasons, like the California and Arizona legislation, it may leave too much discretionary power and not enough detail with the authorizing agencies. By leaving to interpretation when charters should be closed, the legislation potentially weakens efficiency.

Funding

Another efficiency-related issue is the manner of funding charter schools. Here, we attend to what each state provides for in the financing of its charters. As discussed by Slayton (1999), funding in charter and non-charter schools is significantly influenced by local and state politics and school funding is consequently variable from one school to the next. As a result, the funding formulas outlined in California's, as well as other states' legislation, do not necessarily portray the full complexities of the funding mechanism. The efficiency of a given school is therefore determined in part by the ability of the individual schools to negotiate for local revenue. Such funding disproportionately benefits districts and individual schools with more political connections and greater social capital (Scott and Holme Forthcoming).

California charter schools are permitted to receive funds from any private person or organization toward the establishment or operation of the school. While this provision broadens the base of support available to schools and might ensure the financial survival of more schools, it also has implications for choice, equity and social cohesion. California's charter legislation does not entitle charter schools to receive state capital funds or those generated from local tax revenue for facilities. This provision puts at an efficiency disadvantage those schools not supported the private sector or other organizations.

The presence of funding inconsistencies suggests that charter schools owned or managed by EMOs could have a greater chance for successful outcomes since they would start with greater availability of capital, and would also have likely established political or social connections. This may result in the long-term success and survival of schools backed by for-profit management companies at the expense of independent schools, having implications for choice and equity.

California charter schools can contract out for administrative and other services, allowing them to use an EMO or ESP that could produce more efficient services at a lower cost. The reader will note, however, that this does not necessarily guarantee more efficient outcomes. Charter school staffs may lack the business savvy or technical expertise to negotiate, contract out, and hold the subsequent contractor accountable for performance (Lin and Hassel 2001).

In Arizona, charter schools sponsored by local districts receive funding according to the same funding formula, as do traditional public schools within that district. Charters sponsored by the State Board of Education or the State Board for Charter Schools receive funding according to a formula determined by the per pupil enrollment at the beginning of the year, and as recalculated throughout the year. This could indicate that the state sponsored charter schools are watched more closely in order to prevent schools from getting too much state aid for incorrectly high student enrollment numbers. If this is so, it might promote efficiency by better monitoring costs. This could be particularly important in a state that permits for-profit EMOs to hold contracts.

Arizona law permits for-profit entities to hold charters directly, unlike other states that may allow non-profit organizations to contract out to EMOs. This provision may bolster micro- level efficiency through more cost-effective management of the schools, but it might not contribute to macro-level efficiency if those effects are limited only to those charter schools.

In Michigan, PSAs receive all state and district operational funding, based on average district per-pupil revenue and not to exceed that of the local district. As discussed previously, the impact of the funding on aspects of efficiency are determined in part by the variations from district to district in how funding is negotiated and connections leveraged.

Student Admissions

California, Arizona, and Michigan also have distinct provisions for student admissions. In California, the law states that charter schools must be nonsectarian in all policies and practices. Charters are not allowed to discriminate on the basis of ethnicity, national origin, gender or disability. The law is less prescriptive regarding other criteria for admissions. It does not prohibit schools from choosing students based on other criteria, such as athletic ability, academic achievement, or English language ability. In addition, schools may require parent involvement contracts, stipulating the amount of time parents must spend volunteering in support of the school (Becker, Nakagawa & Corwin 1997). Consequently, schools are potentially able to target information and selection of students targeted to those higher achieving students with more involved parents. The micro level efficiency of these individual schools using selective enrollment would likely increase at the expense traditional public schools and charters that have more open enrollment policies (UCLA Charter School Study 1998).

Similar to California, Arizona charter schools must be nonsectarian in all programs, admission policies and employment and other practices. Admission cannot be limited on basis of ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language or athletic ability. While Arizona does include language proficiency unlike California, it does not address intellectual aptitude or achievement. This leaves open the possibility that Arizona charter schools may discourage weaker students from applying, thus possibly strengthening the student outcomes of individual schools. The micro level efficiency of these individual schools would likely increase at the expense of non-charters.

In case of excessive enrollment, students residing in the geographic area of a charter school must be admitted to that school. Charter schools may give preference to students returning to the charter school in subsequent years of operation, to siblings of students already enrolled, and to students residing within district boundaries (for those charter schools sponsored by the district). This could result in no net change of outcomes if the charter school enrolls students who would have attended if it had not been a charter.

Charter schools may refuse admission to students who have been expelled or who are in the process of expulsion. This allows individual schools to exclude those students who would pose behavior or discipline problems. In so doing, these schools may have higher performance outcomes at the expense of traditional public schools that cannot refuse admission to these students.

In Michigan, PSAs must be open to all students within the state or district (depending who authorizes the charter). They cannot discriminate on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, or any other basis that would be illegal if used by a school district. Unlike the legislation of either California or Arizona, Michigan's law includes language prohibiting discrimination on the basis of intellectual aptitude. This could deter schools from trying to discourage weaker students from attending charter schools. On the micro level this might not advance efficiency, since as argued earlier, individual schools that can attract higher achieving students in part by dissuading other students' enrollment will have higher outcomes. Comparatively, on the macro level it is more likely to bolster efficiency through multiple schools with greater variations in student ability.

The admissions regulations require PSAs to outline how they will provide notice to the community that the school is being created, and the details of the admissions policies and procedure. An important aspect of this legislation is that it requires PSAs to outline their plans for implementation rather than just agree to compliance. This requirement could provide better assurance that implementation would be carried out. In addition, the annual evaluative component requires specific information about mission and performance from individual schools. These two elements of the legislation would increase macro level efficiency by requiring that sufficient information be available to families and policy makers. While this would still be determined by implementation (how available is the information, is it provided in multiple languages, for example), it better promotes efficiency than does the California and Arizona legislation that are not as detailed in terms of the information required. Then again, if the state does not enforce the requirement that schools provide the information, efficiency, choice and equity could be limited.

Teacher Certification

As with assessment, revocation, funding, and student admissions, each state has requirements for teachers in charter schools. In California, teachers must hold teaching credentials, or be granted an emergency credential, requiring them to be enrolled in a teacher education program. The certification requirement of core teachers ensures that teachers in all charter schools will have been trained in state standards. California charter school teachers must belong to a representative organization, be it a locally-formed one or the district-recognized collective bargaining unit. This could increase the quality or

effectiveness of teaching. Because these teachers could demand a higher salary, cost effectiveness might not be achieved.

Arizona charter schools need not be subject to collective bargaining. Loosening the control of teachers' unions may provide charter schools with greater flexibility and control in setting the parameters of teachers' roles in the schools (hours and length of school year, pedagogy, salaries and the use of incentives, for example). This could strengthen the relationship between a school's instructional mission and the pedagogy, thereby improving student outcomes. Charter schools are not required to hire certified teachers, except for special education, so schools may hire teachers with less experience and without education degrees. This may result in greater cost savings, yet may also negatively impact student outcomes.

Michigan PSA teachers must be certified. They may use non-certified teachers in certain cases. Schools operated by a state public university may use as a classroom teacher in any grade, a tenured or tenure-track professor employed full-time by state public university. Schools operated by community colleges may use as classroom teachers a full-time member of the community college with at least five years experience teaching the subject matter to be taught in the public school academy. These teacher qualification regulations hold all teachers to state approved standards or, in the case of college-sponsored schools, stringent alternative guidelines. These provisions suggest that ensuring teacher standards would foster effectiveness. The higher salaries that qualified teachers could receive might affect cost effectiveness, however.

PSAs are required to follow the collective agreements applicable to employees of the school district employed in similar functions, but only if they are authorized by local districts. Other PSAs do not fall under this requirement. This may constrain the efficiency of charter schools authorized by local districts by holding them to the same agreements as the non-charters. Such agreements may limit the ability of charter schools from implementing more innovative practices, such as increasing the length of day or year, or instituting merit pay, that would not be acceptable to traditional public schools. It is likely, however, that PSAs sponsored by local districts would be employing less innovative or alternative practices and policies than would a charter school under the governance of a university or community college.

Having discussed the various dimensions of productive efficiency, we turn now to equity provisions in the three laws.

3. Equity

While some value efficiency and freedom of choice, others place importance upon educational equity. Equity advocates worry that too much emphasis choice and efficiency in reforms like vouchers and charter schools will exacerbate social stratification along race, class, gender, language and student ability. Levin's framework regards educational equity as essential to democratic society, for a fair provision of resources and opportunity is essential for meaningful and full civic participation. Moreover, those concerned with educational equity argue that those who are best able to choose in an educational marketplace have access to information, transportation and other resources, and are more desired by schools. In this section, we consider the emphasis placed upon equity in the California, Arizona, and Michigan charter laws. In so doing, we will touch upon student admissions, transportation, and resources.

Admissions

California's charter law favors equity in some areas. The charter law requires that charter schools must accept all students within enrollment capacity, with allowances for preference to students already attending school or who reside in the district. In the situations in which interest exceeds capacity, a random selection must be administered. This favors equity by preventing some selective criteria from determining admissions. While the law favors equity in some areas, by not making explicit the prohibition against certain kinds of discrimination (English language proficiency or intellectual aptitude, for example) the law leaves room for schools to undermine equity by discouraging or excluding students with limited English proficiency or poor academic records. The legislation does state a preference, however, for schools emphasizing providing comprehensive learning experiences to low-achieving students. This might favor increased equity by focusing more charter school resources on improving outcomes of low-achieving students not consistently well served by the traditional system. Additionally, charter schools may develop to meet the demand for bilingual or dual language programs, ultimately increasing equity. Then again, there are no financial incentives for charter schools serving low-income, low-achieving student populations.

Arizona's charter school legislation does not place high value on equity provisions, though limited provisions are present. All students must be admitted if applications are submitted on time and if the applicant pool does not exceed capacity. In such circumstances when interest exceeds enrollment limits, a

lottery is to be used to select students. Preference is to be given to students returning to the school, their siblings, and those students who reside in the district. This random selection promotes equity by making admissions open to all students, without using selective admissions criteria. It should be noted, however, that the exceptions which the legislation permits also reduces the total possible open slots which may reduce equity of access for those students coming from outside the district or who do not already have siblings in the school. The reference to the timely submission of applications could allow schools to discriminate against particular student populations by limiting access to information such that some students do not submit their applications on time.

Unlike the California legislation, Arizona law prohibits discrimination based on English language proficiency, thereby increasing the equity of students with limited English proficiency. As suggested previously, the absence of explicit prohibitions of discrimination on the grounds of intellectual aptitude leaves room for schools to undermine equity by discouraging or excluding students with poor academic records from attending charter schools. Unlike the California legislation that specifically promotes charter schools focusing on under-served students, the Arizona law makes no such provision. This may also be a means by which charter schools can evade the requirement to serve students with special education needs.

Michigan's law requires that PSAs admit all students (in the state or the district, depending on authorizing agency) within enrollment capacity. If interest exceeds capacity, then a random selection process must be employed to select students. This could advance equity by preventing elitist or prejudiced selection criteria from being used – at least in cases of over enrollment. As with other states, equity might still be compromised in the admission process in schools that do not exceed capacity. In these cases, schools may focus their marketing efforts toward the populations that they prefer.

Transportation

Equity may be undermined by the way transportation is addressed in the California law. Transportation must be provided in the same manner as is done in the districts in which the charter school operates; if a local district does not provide transportation for its public school students then it does not need to provide transportation for its charter school students. When transportation is not provided, the range of charter school options for many students is limited. Students of families with greater financial resources would be

able to acquire transportation to a broader range of schools than those students with more limited financial resources who might not be able to access transportation to charter schools beyond their residential area.

The Arizona legislation allocates state aid for transportation, with $174 multiplied by the student count of a given charter school. If transportation is not consistently provided, then students with limited financial resources – or limited access to public transportation – will not be able to access the same breadth of choice of schools as those students with access to transportation.

Considered a local school district, a PSA must follow the same legislative guidelines for transporting students as a local district. As with other states in which transportation is not provided in all districts, if a PSA operates in a poorer community without transportation, equity will be constrained by the limited access.

Information

As suggested previously in the sections on efficiency and choice, the lack of detail in the California legislation about collection, maintenance and dissemination of information could undermine equity. In the absence of objectively evaluated and widely distributed information, including information provided in multiple languages, parents with greater resources will have more access to charter schools than those families who are poor, have limited English proficiency, or those families less involved in their children's education.

Michigan law requires PSAs to make public their admissions process. This could strengthen equity by increasing the population that is informed about what the charter schools have to offer and how to apply to them. There is, however, still room for inequities through faulty implementation. If the information is not disseminated equally to all potential families or is not provided in a format or language accessible to individuals from a variety of cultural and ethnic backgrounds, then it will not promote equity.

Resources

California's law establishes that special education students will receive the same level of services and funding in a charter school as they would in a traditional public school. This does not address, however, the possible differences in how individual schools may encourage or discourage students with special needs from enrolling to avoid having to make accommodations to their physical plant or academic program. As indicated in efficiency section, disparities across districts in funding amounts in the traditional public schools carry over to charter schools as well, possibly undermining equity. According to the legislation, California

charter school operational funding will be equal to the total funding available to a similar school district serving a similar population – unless it's a necessary small school or a necessary small high school. The reality, however, is that operational funding is not consistent from district to district.

As discussed earlier, California charter schools are not entitled to locally raised revenue according to legislation, but many negotiate with their districts for these revenues. The ability of some schools to negotiate such funding raises equity concerns, especially if EMO-partnered charters have greater access to district political connections and thus greater bargaining power than grassroots charters. This may undermine the long-term viability of smaller charters originating at the parent and community level while increasing the viability of larger, national management companies that are less connected to community and parent interests.

Districts may provide facilities at a range of cost. While some charter schools may get rent-free facilities, others may have to pay higher costs for facilities. Because rent represents a significant cost for many charter schools, this would unequally impact the financial strength of individual charter schools, likely benefiting from larger for-profit companies.

California charter schools are not prohibited from receiving gifts from private individuals or organizations. As a result, those able to develop a strong financial support base separate from district, state and federal funding will be best positioned to succeed and will have greater resources from which to provide an academic program. This private funding is determined in large degree by the kinds of connections that the charter school board of trustees and administrators are able to cultivate. Because EMOs are likely to have more start-up and operational funds than independent and non-profit charters and are also more likely to be tied to additional funding sources (investors or philanthropists), these schools may be able to offer more services/programs to its students. This could impact equity by influencing the types of students best served by these schools (Wells and Scott 2001).

If smaller charters focusing on bilingual education or students with special needs cannot garner as much funding (aside from that automatically allocated to all charters) as a larger schools offering a more general curriculum to higher-status populations, than in the long term the interests of special populations might be undermined (Scott & Holme, Forthcoming).

The provision of a loan for capital start-up expenses equalizes the financial base from which all charter schools start by helping those charter schools that might lack the financial resources of better-funded, often for-profit organizations. The recent lack of such funding undermines this aspect of equity by favoring those already financially stronger organizations.

In Arizona, a million-dollar start-up grant is available to support facility renovation and other start-up costs. Each qualifying school would receive an initial grant of up to $100,000 during/before the first year of operation. Schools may receive additional grants of $100,000. This is likely to advance equity by providing the necessary funds to launch; thereby supporting those schools that might lack the level of capital accessible to larger organizations. This could provide support for smaller organizations focusing on charters with special that might otherwise not be able to survive financially - unlike better funded for-profit organizations that might appeal to a broader student audience.

Arizona charter schools may receive gifts and other funds. As discussed with the California legislation, those with a stronger financial base - aside from funds received from local, state and federal sources - will be more likely to succeed fiscally. Whether backed by corporate funds, philanthropic interests, or in-kind resources, allowing schools to receive contributions may influence the types of schools that emerge as successful and the types of students who are best served.

Michigan PSAs may provide services, join efforts with other schools, or contract out special services. The legislation permits PSAs to be granted to educational clinics that focus on at risk students. It also includes, in addition to traditional K-12 programs, adult remediation, test preparation and other general educational support. This suggests that the legislation might further equity by supporting student (including nontraditional adult student) populations that are often underserved by the traditional public schools.

The legislation does not state whether charter schools may receive private funding, and if so, whether there are any limitations on the source of the donor. No start-up funding is available from the state for new charter schools, although they may borrow at tax exempt rates through the Michigan Municipal Bond Authority. This undermines the potential efficiency of smaller charter organizations that lack the start-up capital necessary to successfully start and operate their schools. This could effect equity by influencing the nature of schools established and the populations served.

Having considered some dimensions of equity, we turn to the concept of social cohesion.

4. Social Cohesion

The criterion of social cohesion measures the extent to which the public school systems promote common educational experiences to diverse populations of students. Those who value social cohesion favor a common, public schooling experience, rather than a market-based one. In the latter system, argues Levin, "schools would rise up to compete for specific market niches by religion, political orientations, national origin, language, culture, and other salient dimensions. The common values and institutions that are required for addressing public education would be undermined by such market behavior" (pg. 135). This result could be mitigated by regulating the choices available in a market-based system; potentially limiting freedom of choice and efficiency. In this final element of the Levin framework, we consider how the California, Arizona, and Michigan charter laws address the value of social cohesion with regards to access, admissions, resources, and instruction.

Access

As discussed, California charter schools must be nonsectarian in all policies and practices and cannot discriminate on basis of ethnicity, national origin, gender or disability. Unlike Arizona's legislation, California's legislation does not explicitly prohibit charter schools from discriminating on the basis of English language proficiency. Given the large population of students in California who are not proficient in English, it is telling that there is no protection for these students to be able to participate in charter schools. If schools are not required to accept or provide programs for students who are not proficient in English, then these students may be left behind in the traditional public schools.

Similarly, as raised previously in the efficiency section, by not explicitly prohibiting discrimination on the basis of intellectual aptitude or achievement, the California legislation may be allowing charter schools to select students with stronger student records in order to produce stronger overall student bodies. The selection of students decreases the opportunity that students with weaker demonstrated academic performance will be in schools alongside stronger students.

California's legislation includes evaluation criteria for whether discrimination or segregation results from the charter schools. This question considers the broader effect of charter schools on the racial/ethnic

composition and balance within and among the schools, reflecting a concern for the issue of social cohesion at the micro and macro level.

Arizona charter schools are required to comply with a nondiscrimination statement. Including English language proficiency as part of this statement, the legislation promotes social cohesion in its acknowledgment of the many second language learners who reside in Arizona and prohibiting charter schools from excluding students who might require bilingual education.

This statement does not preclude schools from discriminating on the basis of academic proficiency. This leaves room for schools to discourage those students with weaker academic skills. This might be used as a cover for discriminating against students not proficient in English by pointing to academic weaknesses that are in fact rooted in language differences.

Michigan charter schools cannot discriminate on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, or any other basis that would be illegal if used by a school district. Like the California legislation, Michigan does not include English language proficiency in its nondiscrimination policy, leaving room for students requiring bilingual programs to be excluded from the charter schools. This would undermine social cohesion by increasing the possibility that students with different languages and cultures would be separated from English speaking students attending charter schools. As noted earlier, however, it is possible that a supply of charter schools focusing on bilingual education may develop to meet such a need.

Charter schools must adhere to any desegregation orders applicable to the district, but there is no other language regarding racial or ethnic balance. The absence of language requiring schools to match the racial or ethnic composition, as in California, may suggest promotion of greater social cohesion by not holding schools to the demographics of their local community. Schools may be freer to encourage admission by students across all area communities, although this does depend on implementation.

Unlike California, that considers how charters may affect segregation and discrimination, the evaluation criteria for Michigan charter schools do not include any consideration of the impact on racial, ethnic or socioeconomic demographics. This suggests that social cohesion might not be as great a concern as the other elements that are included in the evaluation criteria.

Admissions

The admissions policy of a proposed California charter school must describe how the school will "achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within" the jurisdiction in which the school intends to operate. Existing schools converting to charters can give preference to students residing within the former attendance area of the public school. This could permit schools in homogeneous areas to perpetuate residential segregation. By giving preference to students already residing in the district, and by requiring schools to mirror the racial composition of the community in which it operates, the law does not require a charter school in an affluent and homogeneous area to make itself available to students beyond the community.

Michigan charters Michigan charter schools may give preference to siblings of students already enrolled. This, coupled with the requirement, at least in district-sponsored schools, that students in the district be admitted may result in a charter school population that mirrors that of the non-charter schools in that district. It may limit the number of students from outside the district. In homogeneous communities this may constrain social cohesion.

Resources

As indicated previously, California charter schools are permitted to receive funds from any private person or organization toward the establishment or operation of the school. There do not appear to be any constraints on the sources or allocations of such funding. Allowing individuals and organizations with particular religious or ideological perspectives to possibly influence the mission, curriculum, pedagogy, and admissions practices of a school through funding may undermine social cohesion.

Arizona charter schools are permitted to receive grants and gifts, but the legislation does not specify whether there are any limitations on funding sources. If gifts may be received from private individuals and organizations with particular ideological positions, then a school's curriculum, student body and practices might be influenced by the funding source. This could undermine cohesion by promoting schools that offer programs tailored to very specific interest groups, rather than to a broader community.

Instruction

Other than requiring minimum hours consistent with state standards, the instructional requirements are broad enough to permit individual California charter schools to develop distinct curriculum with particular ideological bents. This leaves room for charter schools to develop programs, either by direct commission or by omitting alternative perspectives, that might subvert social cohesion by discouraging a range of students from attending and by promoting divisive values. Then again, it could permit schools to shape curriculum that is most reflective of the students' culture, history or language (Wells, Lopez et al., 1999).

As discussed, private schools in Arizona are permitted to convert into public charter schools. The inclusion of conversions from private schools might encourage social cohesion by broadening school demographics beyond the residential profile. However, private schools rooted in specific ideological positions might promote more segregated communities, whether by race, ethnicity, or ideological perspective. Conversions from existing private schools could similarly weaken cohesion by allowing schools that may have elitist or ideologically marginal viewpoints that would discourage a diverse student body. The absence of regulations on the content of the curriculum or the pedagogy of charter schools strengthens this possibility. Other than requiring compliance with core subject standards and state assessments, schools may develop their own curricula that might undermine the ideals of democratic citizenship associated with public schooling.

Michigan PSAs can be created from new schools or existing public schools. Private schools may be converted to a charter school only if they are reconstituted as public school entities. Charter schools cannot be organized by religious institutions, nor can it have any contractual affiliation with such an institution. Charters for home schooling are not permitted. By increasing the potential pool of charter schools, this aspect of the legislation may allow for schools with more divergent ideological views. While private schools must become public in order to be eligible to be charter schools, they need not necessarily abandon their mission or academic program in order to be acceptable. This may result in schools with missions, academic programs or pedagogy that may appeal to particular sectors of the student body, resulting in decreased social cohesion.

Conclusions and Implications

This paper examined charter school legislation in three states - California, Arizona and Michigan. Rather than categorizing the laws as strong, weak, good or bad, we find that the laws place emphasis on some values over others, with Arizona and Michigan placing more emphasis upon freedom of choice and efficiency than on equity and social cohesion. Moreover, our analysis finds that the policy tools provided for in the law are sometimes insufficient to meet the provisions of the law. Perhaps even more importantly, we see which of these values has more credence to the policy makers- evidenced by the policy tools accompanying the legislation.

California's regulatory environment, with equity, social cohesion and efficiency provisions, may constrain freedom of choice. Then again, having only one primary granting agency, the local school district board, has not prevented charter schools from proliferating in California. The safeguards taken to ensure instructional standards, fair admissions and extensive evaluative criteria may discourage some schools from opening if they vary from the more mainstream programs. We reiterate, however, the importance of continued evaluation of the implementation of these provisions.

Arizona's charter school legislation was connected to attempts to implement a voucher plan. Garn (2000) argued that charter schools legislation was passed in Arizona in 1994 only as a compromise to voucher legislation. Charter school policy was crafted in three days during a closed-door legislative session. In interviews with policy makers, Garn found that many favored choice and efficiency above other political values. He writes:

> While the economic form of efficiency was a compelling force for the charter legislation, the bureaucratic accountability aspect of efficiency was not emphasized. Key actors argued that subjecting public schools to the rigors of competition rather than mandating that charter school directors follow detailed procedures for school operations would force them to be more productive with limited resources. Thus, efficiency was expressed through the framework of private sector competition, which encouraged powerful groups in Arizona's political culture to support this reform policy (pg. 10).

Allowing private school conversions and for-profit entities to hold charters, Arizona's law facilitates freedom of choice amongst charter school operators, but it is less clear if the schools are serving as equitable

institutions, providing students with opportunities for social cohesion. This issue has been raised in particularly with the experiences of special education students in Arizona charters (Toch 1998).

Michigan's legislation places more emphasis on choice than equity and social cohesion. Described in 2000 by the Center for Education Reform as the second strongest, Michigan does not impose the same level of regulations as does California. This less restrictive environment could further choice, but raises questions about efficiency, equity and social cohesion.

As policy makers around the country begin to revisit and revamp their states' charter school laws, this research is especially timely. According to the Education Commission of the States (www.ecs.org), as of February 2002, there were 22 different amendments to the Arizona charter law being proposed. These ranged from finance issues to testing, with one measure, S.B. 1322, proposing a moratorium on charter approvals for the 2002-2003 school year. California's legislature is considering 19 amendments, several of which clarify the definition of a school, finance, and governance. Michigan's legislature is considering 12 amendments, with some proposing clearer guidelines for information required of management companies.

We present this provisional framework as one way to move past the dominant model of strong/weak for understanding charter schools legislation. We welcome collaborative and comprehensive engagement in the construction of a more nuanced framework that takes into account essential political and social values for public education. Our further development of this framework will combine an analysis of political values in the laws with a look at the political context of education reform in each state, as well as implementation of the laws at the local charter school level. School reform policies are by their very nature, shaped in the political sphere, as such, no charter school policy can be adequately understood removed from the political values that inform them.

Different approaches to legislation can result in charter schools "boking" very differently across states (UCLA Charter School Study, 1998). Levin's framework for examining school choice reforms joins other policy frameworks that give nuance to the examination of education reform (Marshall, Mitchell et al. 1989; Millot 1994; Garn 2000). Furthermore, the framework considers which values are more prevalent in charter school laws, and ultimately helps researchers and policy makers to move beyond partisan frameworks.

In so doing, it is possible to fashion and revise charter school policies that balance competing interests to help create schools that improve the educational experiences of the nearly 500,000 students enrolled in them.

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